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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5 WENDELL DWAYNE O'NEAL,

6 Plaintiff,

7 vs.

8 EMPIRE FIRE AND MARINE INS. CO., et al.,

9 Defendants.
10

Case No. 2:16-cv-02313-JCM-CWH

ORDER

11 Presently before the court is Plaintiff Wendell Dwayne O'Neal's Emergency Motion for
12 Order Permitting Clerk to Issue a Subpoena for Auto Vas LLC Appearance With Business Records
13 for Testimony Regarding Service and Repair Work Performed on Craigslist Cars (ECF No. 42),
14 filed on May 5, 2017.

15 Local Rule 7-4 requires that emergency motions be accompanied with a declaration stating:

16 (1) The nature of the emergency;

17 (2) The office addresses and telephone numbers of movant and all affected
18 parties; and

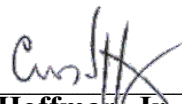
19 (3) A statement of movant certifying that, after participation in the meet-and-confer
20 process to resolve the dispute, the movant has been unable to resolve the matter
21 without court action. The statement also must state when and how the other affected
22 people or entities were notified of the motion or, if not notified, why it was not
practicable to do so. If the nature of the emergency precludes a meet and confer, the
statement must include a detailed description of the emergency, so the court can
evaluate whether a meet and confer truly was precluded.

23 LR 7-4(a)(1)-(3). "The court may determine whether any matter submitted as an 'emergency' is, in
24 fact, an emergency." LR 7-4(c). "Failure to comply with the requirements for submitting an
25 emergency motion may result in denial of the motion." (*Id.*)

26 Here, Plaintiff does not submit a declaration as required by Local Rule 7-4 explaining why
27 this motion is an emergency. The court in its discretion therefore will deny the motion under Local
28 Rule 7-4(c).

1 IT IS THEREFORE ORDERED that Plaintiff Wendell Dwayne O'Neal's Emergency
2 Motion for Order Permitting Clerk to Issue a Subpoena for Auto Vas LLC Appearance With
3 Business Records for Testimony Regarding Service and Repair Work Performed on Craigslist Cars
4 (ECF No. 42) is DENIED.

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6 DATED: May 22, 2017

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8 C.W. Hoffman, Jr.
9 United States Magistrate Judge
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